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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,709	09/09/2003	Gerd Kluger	13913-161001 / 2003P00576	8745
32864 7590 04/06/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WOOD, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,709

Applicant(s)

KLUGER ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/2/04; 4/3/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-18 are pending and have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02 February 2004 and 03 April 2006 considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 10-14 recite software *per se*.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by **Burrows** et al. (US Patent Application Publication 2003/0126590).

Claim 1

Burrows disclosed a computer program product, tangibly embodied in an information carrier, comprising instructions operable to:

compile a procedural source code program to generate a compiled program having instructions to create a runtime data type having a compound structure of referenced data types and having instructions to use the runtime data type (*page 7, paragraph 0056*);

execute the instructions to create a runtime data type having a compound structure by creating a runtime data type definition from the compound structure of referenced data types by resolving the referenced data types bottom up into data types known at runtime (*page 6, paragraph 0055*);

create a data object having the runtime data type (*figure 6B, string object*); and

perform type checking on uses of the data object at runtime according to the runtime data type (*page 3, paragraph 0029*).

Claim 2

Burrows disclosed the product of claim 1, wherein: instructions operable to create a data object having the runtime data type comprise instructions operable to assign the runtime data type to a data object (*page 5, paragraph 0047, dynamic*).

Claim 3

Burrows disclosed the product of claim 1, wherein: the data types known at runtime comprise data types defined by type definitions generated by compiling the source code program (*page 3, paragraph 0029, "all the possible data types"*).

Claim 4

Burrows disclosed the product of claim 1, wherein:

the instructions to create a runtime data type and the instructions to use the runtime data type are executed by a virtual machine (*page 1, paragraph 0007*); and

type definitions for the data types known at runtime are stored in a storage area managed by the virtual machine (*page 1, paragraph 0007*).

Claim 5

Burrows disclosed the product of claim 4, wherein: the runtime type definition is stored in a local area for the computer program managed by the virtual machine (*page 1, paragraph 0007*).

Claim 6

Burrows disclosed the product of claim 1, wherein: the runtime type definition

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is a type object (*figure 6B*).

Claim 7

Burrows disclosed the product of claim 6, wherein: the type object is managed as an element in a class hierarchy (*page 1, paragraph 0007, JAVA*).

Claim 8

Burrows disclosed the product of claim 6, wherein: the type object is subject to garbage collection (*page 1, paragraph 0007, JVM*).

Claim 9

Burrows disclosed the product of claim 6, wherein: the type object is referenced programmatically in the source code program by a handle and not by a name (*figure 6A*).

Claims 10-18

The limitations of claims 10-18 correspond to limitations found throughout claims 1-9 and as such are rejected in a corresponding manner.

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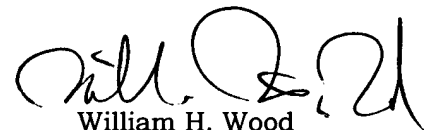
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
Patent Examiner

AU 2193
April 2, 2007